

BRAD D. BRIAN (State Bar No. 79001)  
Brad.Brian@mto.com  
GREGORY J. WEINGART (State Bar No. 157997)  
Gregory.Weingart@mto.com  
SUSAN E. NASH (State Bar No. 101837)  
Susan.Nash@mto.com  
ADAM R. LAWTON (State Bar No. 252546)  
Adam.Lawton@mto.com  
MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue  
Thirty-Fifth Floor  
Los Angeles, CA 90071-1560  
Telephone: (213) 683-9100  
Facsimile: (213) 687-3702

Attorneys for Defendant  
**JOSEPH R. FRANCIS**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JOSEPH R. FRANCIS,  
Defendant.

Case No. CR 08-494-SJO

## **JOINT STATEMENT RE DOUBLE JEOPARDY**

Trial Date: October 14, 2009  
Ctrm.: 880 (Hon. S. James Otero)

1           As stated by counsel for the government and for the defense at the August  
2 17, 2009 hearing in this matter, jeopardy does not attach until the jury is empaneled  
3 and sworn. *See Crist v. Bretz*, 437 U.S. 28, 35 (1978); *United States v. Bonas*, 344  
4 F.3d 945, 950 (9<sup>th</sup> Cir. 2003).

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6 DATED: August 18, 2009  
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Respectfully submitted,

10 THOMAS P. O'BRIEN  
11 United States Attorney  
12 SANDRA R. BROWN  
Assistant United States Attorney  
Chief, Tax Division

13   
14 CARYN D. MARK  
15 JOHN P. SCULLY  
Trial Attorneys  
16 U.S. Department of Justice  
Tax Division  
Western Criminal Enforcement Section  
17 Attorneys for Plaintiff  
United States of America

MUNGER, TOLLES & OLSON LLP  
BRAD D. BRIAN  
GREGORY J. WEINGART  
SUSAN E. NASH  
ADAM R. LAWTON

By: /s/Susan E. Nash  
18 SUSAN E. NASH  
19 Attorneys for Defendant  
20 JOSEPH R. FRANCIS  
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